

EXHIBIT 8

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF WISCONSIN
3 -----
4 EQUAL EMPLOYMENT OPPORTUNITY
5 COMMISSION,
6
7 Plaintiff,
8 - vs - Case No. 1:17-CV-00070
9 WAL-MART STORES EAST, L.P.,
10
11 Defendant.
12 -----
13 Video Examination of MARLO SPAETH, taken
14 at the instance of the Defendant, under and pursuant to
15 the Federal Rules of Civil Procedure, before KARA D.
16 SHAWHAN, a Certified Realtime Reporter, Registered Merit
17 Reporter and Notary Public in and for the State of
18 Wisconsin, at Holiday Inn, 4601 Calumet Avenue,
19 Manitowoc, Wisconsin, on September 26, 2018, commencing
20 at 7:57 a.m. and concluding at 5:17 p.m.
21
22
23
24
25

Page 2

1 A P P E A R A N C E S
2 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, by
3 MS. CARRIE VANCE,
4 MS. LESLIE CARTER,
5 310 West Wisconsin Avenue,
6 Milwaukee, Wisconsin 53203,
7 (414)297-1130,
8 leslie.carter@eeoc.gov,
9 carrie.vance@eeoc.gov,
10 appeared on behalf of the Plaintiff.
11 MWH LAW GROUP, LLC, by
12 MR. EMERY HARLAN,
13 735 North Water Street,
14 Milwaukee, Wisconsin 53202,
15 (414)436-0353,
16 emery.harlan@mwhlawgroup.com,
17 appeared on behalf of the Defendant.
18
19 A L S O P R E S E N T
20 Mr. Doug vanderHoof, Videographer;
21 Ms. Amy Stevenson.
22
23 * * * * *
24 I N D E X
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878
1879
1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
213

Page 25

1 there's a misstatement of testimony. Are you
2 saying "Gabby" or "Debbie" --
3 THE WITNESS: Debbie.
4 MS. VANCE: -- as you said earlier this
5 morning?
6 THE WITNESS: Debbie and Robin.
7 MS. VANCE: Debbie and Robin?
8 THE WITNESS: Yeah.
9 BY MR. HARLAN:
10 Q. Debbie and Robin? Okay. What did Debbie and Robin
11 do?
12 A. That's who got me fired.
13 Q. Okay. What did they do to try to get you fired?
14 A. I started working and then leave.
15 THE COURT REPORTER: What was that?
16 MS. VANCE: Can you say that again,
17 Ms. Spaeth?
18 THE WITNESS: First I leave and -- I go.
19 BY MR. HARLAN:
20 Q. So let's start with Robin. Did you like Robin?
21 A. No.
22 Q. And why didn't you like Robin?
23 A. She tried getting me fired every time like Debbie,
24 and Bonnie.
25 Q. And when you say Robin tried to get you fired, how

Page 26

1 did she try to get you fired?
2 A. I left that time.
3 Q. So you --
4 A. Like that.
5 Q. You left early?
6 A. (Witness nods head.)
7 Q. Is that --
8 A. Like that.
9 Q. So you're nodding your head "yes" to leaving early.
10 MR. HARLAN: You'd agree, Carrie?
11 MS. VANCE: Yes.
12 THE WITNESS: Yes.
13 BY MR. HARLAN:
14 Q. And why did you leave early?
15 A. Take the bus home. That's why.
16 Q. Is there any other reason you left early?
17 A. No.
18 MS. VANCE: Can you talk louder?
19 THE WITNESS: What?
20 MS. VANCE: Can you say that louder?
21 THE WITNESS: (Witness nods head.)
22 BY MR. HARLAN:
23 Q. So you said you left early to take the bus home.
24 A. Right.
25 Q. Is there any --

Page 27

1 A. Not much work.
2 Q. Okay. Did somebody tell you that it was okay to
3 leave early?
4 A. (Witness nods head.)
5 Q. Who told you -- And you're nodding your head "yes"?
6 A. (Inaudible.)
7 THE COURT REPORTER: I couldn't hear
8 that.
9 BY MR. HARLAN:
10 Q. Could you repeat that?
11 A. Huh?
12 Q. Did someone tell you to go home early?
13 A. (Witness nods head.)
14 Q. You're nodding your head "yes"?
15 A. Right.
16 Q. Who told you to go home early?
17 A. Karen does. My manager Karen. Sometimes Brett
18 too, Manager Brett.
19 Q. And Brett wasn't there in the end.
20 A. Not much work anymore. That's why I left. I don't
21 know.
22 MS. VANCE: Did you say "There's not much
23 work anymore"?
24 THE WITNESS: Right.
25 MS. VANCE: "That's why I left"?

Page 28

1 THE WITNESS: Right.
2 BY MR. HARLAN:
3 Q. And what do you mean, "There's not much work
4 anymore"?
5 A. That's a long time ago. I can't really say it.
6 Q. Why did Robin get mad that you left early?
7 A. I had to take the bus home.
8 Q. Did she tell you why she was mad?
9 A. What?
10 Q. Did Robin tell you why she was mad with you leaving
11 early?
12 A. (Witness shakes head.)
13 Q. Did you tell Robin --
14 MS. VANCE: Are you saying "no"?
15 THE WITNESS: I told Karen about it too
16 and Manager Brett.
17 BY MR. HARLAN:
18 Q. Did you tell Robin that you wanted to go home early
19 to have supper?
20 A. (Witness nods head.)
21 Q. Is that --
22 A. Yeah.
23 Q. Okay. What else did you tell Robin?
24 A. That's a long time ago. I can't say it.
25 Q. Did Robin tell you she wanted you to work until --

<p style="text-align: right;">Page 49</p> <p>1 A. I can't remember. 2 Q. Okay. Do you remember if there were -- 3 A. I punch out. 4 Q. So you recall that there were days that you punched 5 out during a shift earlier than you were supposed 6 to? 7 A. (Witness nods head.) 8 Q. Are you nodding your head "yes"? 9 MS. VANCE: I agree the witness nodded 10 her head "yes." 11 BY MR. HARLAN: 12 Q. Okay. Do you know, Marlo, while you were working 13 at Wal-Mart, whether the company kept a record of 14 when you punched out early or when you didn't show 15 up to work? 16 MS. VANCE: Objection, form. 17 BY MR. HARLAN: 18 Q. Let me break it down. Do you know if, while you 19 were at Wal-Mart, if the company kept track of 20 whether you showed up to work? 21 MS. VANCE: Objection, form. 22 BY MR. HARLAN: 23 Q. Marlo, do you need me to have the question read 24 back? 25 A. (Witness shrugs shoulders.)</p>	<p style="text-align: right;">Page 51</p> <p>1 at Wal-Mart? 2 MS. VANCE: Objection, foundation. 3 Objection, form. 4 BY MR. HARLAN: 5 Q. Do you remember? 6 A. (Witness shakes head.) 7 Q. So -- 8 A. No. 9 Q. Okay. And for any of the dates listed on Exhibit 10 No. 44, do you remember whether you worked your 11 entire shift -- 12 MS. VANCE: Objection, foundation. 13 BY MR. HARLAN: 14 Q. -- on the date listed or the dates listed? 15 MS. VANCE: Excuse me. Objection, 16 foundation. Objection, form. 17 BY MR. HARLAN: 18 Q. Do you remember? 19 A. It's a long time ago. 20 Q. Okay. So you -- 21 A. I can't remember now. 22 Q. Okay. So you aren't able to tell us whether you 23 left early on any of the dates listed on 24 Exhibit 44. 25 MS. VANCE: Objection, foundation.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Would you like me to have the question read back or 2 do you remember the question? 3 A. I can't remember. 4 MS. VANCE: Can you say it louder? 5 THE WITNESS: I can't remember. 6 BY MR. HARLAN: 7 Q. That's fine. There's nothing wrong with you saying 8 you don't remember if that's the truth, you don't 9 remember. Do you know if, during the time that you 10 worked at Wal-Mart, if the company kept track of 11 when you left work before you were supposed to? 12 MS. VANCE: Objection, form. 13 THE WITNESS: I can't remember what day I 14 started working. I forgot. 15 BY MR. HARLAN: 16 Q. So you don't know if the company kept track of 17 whether you left work earlier than you were 18 supposed to. 19 A. It's a lot of years I worked there. I can't 20 remember now. 21 Q. Okay. So let me show you another document. This 22 is Exhibit 44. Just look at me when you're 23 finished reading Exhibit 44. Okay. So first 24 question, do you know if the dates listed on this 25 document are dates that you were scheduled to work</p>	<p style="text-align: right;">Page 52</p> <p>1 Objection, form. 2 BY MR. HARLAN: 3 Q. Is that correct? 4 MS. VANCE: Same objection. 5 THE WITNESS: (Witness shrugs shoulders.) 6 BY MR. HARLAN: 7 Q. Are you able to tell us whether you left early on 8 any of the dates listed on Exhibit 44? 9 MS. VANCE: Same objection. Ms. Spaeth, 10 when you shrug your shoulders, what does that mean? 11 What are you saying? 12 THE WITNESS: Not much work. That's why 13 I left that time. 14 BY MR. HARLAN: 15 Q. But I'm asking you, looking at Exhibit 44 that you 16 have in front of you, are you able to tell us 17 whether, on any of the dates listed on that 18 document, whether you left work early on any of 19 those dates? 20 MS. VANCE: Objection, form. Objection, 21 foundation. 22 THE WITNESS: I'm nervous. 23 BY MR. HARLAN: 24 Q. Okay. Are you able to tell us for the dates listed 25 on Exhibit No. 44 whether on any of those dates you</p>

Page 53

1 left work early or not?
2 MS. VANCE: Objection, form.
3 THE WITNESS: I can't remember.
4 BY MR. HARLAN:
5 Q. Okay. Do you know whether -- Do you know whether
6 any of your co-workers left early from shifts they
7 were assigned to work while you were at Wal-Mart?
8 A. Not much work. That's why I left.
9 Q. Can you remember if there were co-workers -- other
10 individuals that worked with you at Wal-Mart who
11 left early?
12 A. I can't remember. It's a long time ago.
13 Q. Okay.
14 MS. VANCE: Excuse me. Was the answer
15 "Not much work? That's why I left?"
16 THE COURT REPORTER: Yes.
17 MS. VANCE: Okay. Thank you.
18 BY MR. HARLAN:
19 Q. On the occasion when you recall leaving because
20 "not much work," who told you that you could leave?
21 A. Karen.
22 Q. How many times did you leave work early because
23 "not much work"?
24 A. I talked to Brett about it.
25 Q. Okay. So the time that Karen said you could leave

Page 54

1 work early because "not much work" --
2 A. Right.
3 Q. -- Brett was working there at that time?
4 A. Yes.
5 Q. Okay. And that was one time?
6 A. (Witness nods head.)
7 Q. Is that "yes"?
8 A. Yep.
9 Q. Do you recall if there were people that you worked
10 with at Wal-Mart who failed to show up for work
11 when they were assigned to come in?
12 A. I can't remember anymore.
13 MS. VANCE: Can you say it louder?
14 THE WITNESS: Huh?
15 MS. VANCE: Say it louder. Can you say
16 that louder? Can you say that louder?
17 THE WITNESS: Robin.
18 MS. VANCE: What?
19 THE WITNESS: Robin and Debbie.
20 MS. VANCE: Okay.
21 BY MR. HARLAN:
22 Q. So you said "Robin and Debbie"?
23 A. Yes.
24 Q. You recall that there were days that Robin and
25 Debbie did not show up for work when they were

Page 55

1 supposed to?
2 A. I think that's right.
3 Q. Were there any other employees when you were at
4 Wal-Mart who didn't show up for work when they were
5 supposed to?
6 A. Robin too.
7 Q. Okay. So besides Robin and Debbie, were there any
8 other employees at Wal-Mart who --
9 A. That's it.
10 Q. Just Robin and Debbie. That's it.
11 A. (Witness nods head.)
12 MR. HARLAN: You agree she's nodding her
13 head affirmatively?
14 MS. VANCE: Yes.
15 BY MR. HARLAN:
16 Q. Okay. Do you remember if Julia Stern met with you
17 to discuss your attendance?
18 MS. VANCE: Objection, form. Can you say
19 it louder?
20 THE WITNESS: Huh?
21 MS. VANCE: Say it louder, please.
22 THE WITNESS: Hard questions. I can't
23 say it.
24 MS. VANCE: You can't say it?
25 THE WITNESS: I am nervous.

Page 56

1 BY MR. HARLAN:
2 Q. Okay. You remember Julia Stern, right, your former
3 manager?
4 A. Not really.
5 Q. You don't remember Julia?
6 A. (Witness shrugs shoulders.)
7 Q. Do you remember Julia?
8 A. (Witness shakes head.)
9 Q. Do you remember if, prior to you leaving Wal-Mart,
10 you had a meeting with someone to talk about you
11 leaving work early?
12 A. (Witness nods head.)
13 Q. Okay.
14 MR. HARLAN: You agree the witness is
15 nodding her head affirmatively?
16 MS. VANCE: Yes.
17 BY MR. HARLAN:
18 Q. Do you recall who it was that met with you to
19 discuss you leaving work early?
20 A. I talked to Karen. I leave early that time.
21 Q. Well, you told us about the one time that Karen
22 said you could leave work because "no work."
23 MS. VANCE: Objection, mischaracterizes
24 prior testimony.
25 BY MR. HARLAN:

Page 97

1 BY MR. HARLAN:
2 Q. Yeah. She can't answer that one for you.
3 MS. VANCE: Right. Amy can't answer the
4 questions.
5 THE WITNESS: I know.
6 MS. VANCE: We need you to.
7 BY MR. HARLAN:
8 Q. If you don't know or you don't remember, that's
9 perfectly acceptable. You're not going to get in
10 trouble for saying you don't remember or don't know
11 if you don't know. Do you recall which meal it
12 was?
13 A. I don't remember.
14 Q. Did you tell anyone at Wal-Mart that you needed to
15 leave work by a certain time? Ms. Spaeth? Marlo?
16 Ms. Spaeth?
17 MR. HARLAN: Okay. Why don't we take a
18 break.
19 THE VIDEOGRAPHER: Okay. We're going off
20 the record at 12:52. We're off the record.
21 (A break was taken.)
22 THE VIDEOGRAPHER: We're back on the
23 record at 12:55.
24 BY MR. HARLAN:
25 Q. Did your stepsister, Barbara, ever tell you that

Page 98

1 she was not happy that you were coming home late
2 for supper?
3 A. Yeah.
4 Q. And do you recall when she told you that? Was it
5 while you were still working for Wal-Mart?
6 A. Yeah.
7 Q. And did she say why she was not happy that you were
8 coming home late?
9 A. (Witness nods head.)
10 Q. Did she tell you why she was upset about that?
11 A. Right.
12 Q. And what did she say, if you remember?
13 A. Barb's not too happy with me, like that.
14 Q. Okay.
15 A. I get home and she started eating already. Except
16 the bus is late sometimes too.
17 MS. VANCE: Sometimes -- The bus was late
18 sometimes?
19 THE WITNESS: Yeah. Like what do you
20 call that the -- I can't say it now. Like the
21 chairs.
22 MS. VANCE: Wheelchairs?
23 THE WITNESS: Wheelchairs. Like that
24 stuff.
25 BY MR. HARLAN:

Page 99

1 Q. And so she --
2 A. And walkers too.
3 Q. That sometimes caused the bus to be late?
4 A. The walkers. Like that.
5 Q. Do you recall ever telling anyone at Wal-Mart that
6 you were -- you would get sick if you were not home
7 by a certain time? Do you recall telling your boss
8 or anybody else that you needed to be home by a
9 certain time, otherwise you would get sick?
10 A. I can't remember.
11 MS. VANCE: Can you say that louder? Did
12 you say "I don't remember"?
13 THE WITNESS: I can't remember.
14 MS. VANCE: "I can't remember"?
15 THE WITNESS: It's a long time ago. Like
16 I can't remember anymore.
17 BY MR. HARLAN:
18 Q. Okay. And that's perfectly fine. Did you ever
19 tell anyone at Wal-Mart that because you had taken
20 certain pills, you needed to eat at a certain time?
21 A. What?
22 MS. VANCE: Objection, assumes facts not
23 in evidence.
24 BY MR. HARLAN:
25 Q. You're right. That was not a good question. So I

Page 100

1 think -- I think I heard you say that on the
2 occasion that you recall getting sick because you
3 hadn't eaten at a certain time, you think it also
4 had something to do with pills you were taking.
5 A. (Witness nods head.)
6 Q. And my question is, did you ever tell that to
7 anybody at Wal-Mart?
8 A. (Witness shakes head.)
9 MS. VANCE: You're shaking your head
10 "no"?
11 THE WITNESS: I can't remember that part.
12 BY MR. HARLAN:
13 Q. Okay. So you don't remember that. Okay.
14 A. Maybe I did. Maybe I did.
15 THE WITNESS: I can't remember, Amy.
16 BY MR. HARLAN:
17 Q. So is the reason that you wanted to leave work by 4
18 so that you could be home in time for supper with
19 Barb so that she wouldn't get mad at you?
20 A. No.
21 Q. So why is it that you wanted to leave at 4?
22 A. Take the bus home.
23 Q. Okay.
24 A. She make supper then -- Barb do.
25 Q. Okay. So the reason you wanted to leave is because

Page 101

1 you wanted to be on a bus at a certain time.
2 A. (Witness nods head.)
3 MS. VANCE: Are you saying "yes"?
4 THE WITNESS: (Witness nods head.)
5 MS. VANCE: Shaking your head "yes"?
6 THE WITNESS: Yeah.
7 BY MR. HARLAN:
8 Q. Okay. And it didn't have anything to do with Barb.
9 MS. VANCE: Objection, form.
10 BY MR. HARLAN:
11 Q. Was there a bus that you could take if you left
12 work after 4?
13 A. The apartment stops -- I'm back home that time on
14 the bus.
15 Q. And sometimes you left work before 4:00. Correct?
16 A. (Witness nods head.)
17 Q. Is that "yes"?
18 A. Yeah.
19 Q. And then sometimes you left work after 4:00.
20 Correct?
21 A. (Witness nods head.)
22 MS. VANCE: Are you saying "yes"?
23 THE WITNESS: Maybe about 3 or something.
24 I don't know. I can't remember now.
25 BY MR. HARLAN:

Page 102

1 Q. Okay. So there was a bus you could take if you
2 left before 3 -- I mean before 4?
3 A. Either 3 or 4, I'm guessing. I don't know. I
4 can't remember.
5 Q. You can't remember if there was a bus that you
6 could take if you left before 4? Do you recall how
7 late the bus ran?
8 A. I can't remember the days. It's too fast.
9 Q. Okay. Do you recall the day you were let go from
10 Wal-Mart?
11 A. Yeah. I told Karen, the manager.
12 Q. Okay. Tell me about the day your employment came
13 to an end. Who told you? Do you recall who told
14 you you were fired? Who told you you were fired?
15 A. Julie did.
16 Q. Okay.
17 A. Julie and Debbie.
18 Q. Okay. And where were you when they told you that?
19 Were you in the office?
20 A. Getting my stuff -- my jacket, like that stuff.
21 Q. They asked --
22 A. My purse.
23 Q. They asked for your jacket and your purse?
24 A. First I punch out, and I go and wait for the bus,
25 like that.

Page 103

1 Q. Did they ask you to come into the office?
2 A. I can't remember the days.
3 Q. You can't remember the day when you got fired?
4 A. (Witness shakes head.)
5 Q. But you remember it was Julia and I think you said
6 Debbie.
7 A. I think Debbie wanted to get me fired and Julie
8 and Robin.
9 Q. Okay.
10 A. Yep.
11 Q. And do you remember the day that it happened?
12 A. It's a long time ago.
13 Q. It is. Do you remember the day that it happened?
14 A. I don't know. What day is it?
15 Q. No. But do you remember the occasion when it
16 happened? Do you remember what they said to you?
17 A. Yeah.
18 Q. What did they say to you?
19 A. Let go.
20 Q. Did they say why you were being let go?
21 A. (Witness nods head.)
22 Q. Is that "yes"?
23 A. (Witness nods head.)
24 MS. VANCE: I'll agree --
25 BY MR. HARLAN:

Page 104

1 Q. Can you say "yes" that they told you --
2 A. I know.
3 Q. Okay. What did they say to you?
4 A. "You're fired."
5 Q. Did they explain why?
6 A. I talked to Karen about it. She knows about it and
7 me too.
8 Q. What did Karen say?
9 A. Not too happy.
10 Q. Did you ask any questions?
11 A. I talked to Karen about it.
12 Q. What did you say to Karen?
13 A. Lets me stay there.
14 Q. I'm sorry?
15 A. Lets me stay there.
16 Q. I didn't understand what you said, Marlo. Can you
17 say it again, please?
18 A. Let me still working yet.
19 MR. HARLAN: I didn't make that out,
20 Carrie? Did you?
21 THE WITNESS: That's why.
22 BY MR. HARLAN:
23 Q. You asked why are you still working there?
24 A. No.
25 Q. What did you say? I'm sorry. Can you repeat it?